

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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WILLIAM MORRISON,

Plaintiff-Appellant,

and

LEONA MORRISON,

Plaintiff,

v

DIANE LORRAINE HASENLEDER,

Defendant-Appellee.

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UNPUBLISHED

January 26, 2006

No. 265479

Tuscola Circuit Court

LC No. 04-022410-NI

Before: Meter, P.J., Whitbeck, C.J., and Schuette, J.

MEMORANDUM.

In this no-fault case, plaintiff William Morrison appeals as of right from the circuit court's order granting summary disposition in favor of defendant Diane Hasenleder. We affirm. We decide this appeal without oral argument.<sup>1</sup>

Morrison was hospitalized for chest injuries suffered in an automobile accident that occurred in 2002, and he continues to complain of pain and shortness of breath that limit his activities. He sought damages for serious impairment of body function, but the trial court concluded that the medical records did not show an ongoing injury or pain resulting from the accident, and that Morrison failed to explain what activities he was unable to perform as a result. We review a trial court's decision on a motion for summary disposition de novo as a question of

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<sup>1</sup> MCR 7.214(E).

law.<sup>2</sup> Whether a person has suffered serious impairment of a body function is a question of law for the court that we also review de novo.<sup>3</sup>

A person “remains subject to tort liability for noneconomic loss caused by his or her ownership maintenance, or use of a motor vehicle . . . if the injured person has suffered . . . serious impairment of body function . . . .”<sup>4</sup> MCL 500.3135(7) defines the latter as “an objectively manifested impairment of an important body function that affects the person’s general ability to lead his or her normal life.”

“Although some aspects of a plaintiff’s entire normal life may be interrupted by the impairment, if . . . the course or trajectory of the plaintiff’s normal life has not been affected, then the plaintiff’s ‘general ability’ to lead his normal life has not been affected” for purposes of establishing a serious impairment.<sup>5</sup> The focus is not on the plaintiff’s subjective pain and suffering, but on injuries that actually affect the functioning of the body.<sup>6</sup> Residual impairments based on perceived pain are a function of “physician-imposed restrictions,” not “[s]elf-imposed restrictions.”<sup>7</sup>

Morrison asserts that discomfort in his chest leaves him chronically short-winded and limits all of his physical exertions. He emphasizes his interest in doing missionary work at nursing homes and complains that his shortness of breath hampers his ability to preach or sing as part of such activities. But Morrison admits that he “does not have physician imposed restrictions.” Morrison offers general policy arguments against the pronouncements of *Kreiner*, but we are not persuaded that we should disregard the binding precedent of our Supreme Court.<sup>8</sup> Because actionable impairments stemming from residual pain must have resulted in physician-imposed restrictions, and because Morrison points to none, the trial court correctly granted Hasenleder summary disposition.

We affirm.

/s/ Patrick M. Meter  
/s/ William C. Whitbeck  
/s/ Bill Schuette

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<sup>2</sup> *Ardt v Titan Ins Co*, 233 Mich App 685, 688; 593 NW2d 215 (1999).

<sup>3</sup> *McDaniel v Hemker*, \_\_\_ Mich App \_\_\_, \_\_\_ NW2d \_\_\_ (2005), slip op pp 2-3.

<sup>4</sup> MCL 500.3135(1); *Kreiner v Fischer*, 471 Mich 109, 129; 683 NW2d 611 (2004).

<sup>5</sup> *Kreiner*, *supra* at 131.

<sup>6</sup> *Miller v Purcell*, 246 Mich App 244, 249; 631 NW2d 760 (2001).

<sup>7</sup> *Kreiner*, *supra* at 133 n 17.

<sup>8</sup> *People v Beasley*, 239 Mich App 548, 556; 609 NW2d 581 (2000).